THE
INDIANA JUDGES'
BENEFITS BROCHURE

Presented by
The Indiana Judges' Association
Benefits Committee:

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Indiana Court of Appeals
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Vigo Superior Court, Division 1, Chairman of the Revision Committee
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The Honorable Ernest E. Yelton, President
The Honorable Jeffrey C. Eggers, Chairman
The Honorable Robert L. Barnet, Jr.
The Honorable Barbara A. Harcourt
The Honorable William J. Hughes
The Honorable Richard D. McIntyre

We would, also, like to thank the Division of State Court Administration for keeping the Judges' Benefits Brochure updated as changes occur with respect to judge's salary and benefits.

Thanks to all of you.

PREFACE

I. GENERAL PURPOSE

The Indiana Judges' Association in conjunction with the Division of State Court Administration established the Benefits Committee to create a Benefits Brochure. The purpose of this brochure is to provide all judges in Indiana an easy reference manual for the various benefits offered by the state of Indiana as part of judges' and other judicial officials' state compensation package. This document is not part of the Benchbooks, but is provided as an introduction. The information contained herein is current as of the date of publication on the cover sheet. However, legislative changes will make periodic updating a necessity because of the statutory basis of Judges' salaries, retirement plans, and death/disability benefits. Furthermore, changes could occur through administrative changes regarding savings plans and insurance. The brochure has been prepared as a three ring binder document to allow easy replacement of necessary pages or sections when changes occur. This brochure represents the committee's interpretation of applicable Indiana statutes. Where possible, judges are directed to the appropriate statutory language. Nothing in this Brochure is intended to create an employment contract. All information contained is subject to change. The Committee will make every effort to ensure that updates are made in a timely manner. For more detail, contact the Division of State Court Administration. Furthermore, for benefits available on a county level, contact your County Auditor.

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II. FORMAT

This Benefits Brochure is divided into 5 main components. Those components are: Salary, Insurances, Savings Plans, Retirement Plans, Death and Disability Benefits. The Salary Chapter is merely a reference to the appropriate statutory citation. The main area of focus is the fringe benefits available to Judges other than salaries. Tables and statutory references have been provided for your information and direction.

JUDICIAL SALARIES AND OTHER COMPENSATION

I. JUDICIAL SALARIES

A. Judicial Salaries are set by the Indiana General Assembly and are subject to periodic change. The salary legislation is found in I.C. 33-38-5-1 et seq.

B. The Supreme Court of Indiana, Court of Appeals of Indiana, and the Indiana Tax Court salary legislation is found in I.C. 33-38-5-8.

C. The Trial Judges salary legislation is found in I.C. 33-38-5-6.

   1. County Supplement legislation is found in I.C. 36-3-6-3 and I.C. 36-2-5-14.

D. The Magistrates salary legislation is found in I.C. 33-23-5-10.

   1. County Supplement legislation is found in I.C. 36-3-6-3 and I.C. 36-2-5-14.

E. The Juvenile Magistrates salary legislation is found in I.C. 33-38-5-7 and I.C. 33-4-7-9.1 and 11.

   1. County Supplement legislation is found in I.C. 36-3-6-3 and I.C. 36-2-5-14.

F. PL 95-2004, SEC. 16, codified at I.C. 33-38-5-8.2, provides for a "health care adjustment" to the salaries of "employees of the judicial branch." The health care adjustment is currently $2,522 per year / $97 bi-weekly.

G. The Senior Judge per diem compensation legislation is found in I.C. 33-23-3-5, and specifies that senior judges are entitled to a per diem of $50 per day served for the first 30 days of service in a calendar year, and a per diem of up to $200 per day (subject to adjustment by the Supreme Court if the payroll fund is insufficient to pay the full $200 per diem) for each day of service in the calendar year above 30. Senior judges are entitled to reimbursement for mileage and reasonable expenses. See also Ind. Administrative Rule 5. Senior judges are entitled to state benefits, provided they are appointed for service for a period of at least 30 days, and provided they serve at least 30 days during each calendar year. See I.C. 5-10-8-1; Admin.R. 5. Senior judges may not be compensated for senior judge service for more than 100 days in the aggregate during any one calendar year. IC 33-23-3-5. According to the Division of State Court Administration's schedule, senior judges may not be compensated for both senior and special judge service performed on the same day. See Ind.Trial Rule 79(P).

H. The Judge Pro-Tempore compensation is set by Ind.Trial Rule 63. Supreme Court pro tems are paid at the rate of the regular presiding judge of the court in which the pro tem serves. T.R. 63(D) and I.C. 34-35-1-4.

This amount includes any county supplement. Local pro tems are paid $25 per day for their service. T.R. 63(D).

I. Special Judges are paid at a rate of $25 per day for each jurisdiction served if the special judge is a senior judge (who has not served that same day as a senior judge) or an attorney not currently being paid as a judge or other “employee of the judiciary.” T.R. 79(P). Sitting judges and other employees of the judiciary are entitled to mileage and expense reimbursement.

II. DIRECT DEPOSIT

Direct Deposit is a safe and convenient check handling system where your paycheck is deposited into your financial institution on the morning of your scheduled payday. No special accounts are required for Direct Deposit. Judges will continue to receive a statement, which will include tax and benefit deductions.

For more information, please contact:

Division of State Court Administration
115 W. Washington Street, Suite 1080
Indianapolis, IN 46204
317/232-2542

III. SAVINGS BONDS

Judges may purchase Savings Bonds (Series EE and Series I) through payroll deduction. Savings bonds offer competitive, market-based rates, tax deferral, and are exempt from state and local taxes. The Series EE Bond may be purchased in denominations of $100.00, $200.00, $500.00 and $1,000.00. The Series I Bond may be purchased in denominations of $50.00, $75.00, $100.00, $200.00, $500.00 and $1,000. A payroll deduction of any amount can go towards the purchase of the bonds.

For more information, please contact:

National Bond & Trust
Phone No. 800/426-9314
Website address: www.nbtco.com

INSURANCES

I. LIFE INSURANCE

A. VOLUNTARY LIFE INSURANCE

Judges are eligible to participate in the **Voluntary Group Term Life Insurance** program offered through the State. The basic benefit under this program is a lump sum payment made upon death in the amount of 150% of the judge's annual gross salary rounded to the next thousand.

An Accidental Death benefit is a lump sum payment, in addition to the basic benefit, and is payable in the event your death occurs from an accident directly or independently of all other causes while insured. The death must occur within 90 days of the accident.

In addition, under the Voluntary Life Insurance program, an Accidental Dismemberment benefit is paid to you for either the principal sum or one-half the principal sum in the event you suffer a loss from an accident of a hand, a foot, sight of an eye, or any combination thereof. However, again, the loss must occur within 90 days of the accident.

The Basic Life Insurance benefit may be converted to an individual insurance policy without submission of evidence of insurability or good health if the insurance terminates due to termination of employment by retirement (or otherwise), expiration of 90-day leave of absence, or if the judge becomes ineligible for further coverage under the plan. Application for an individual insurance policy must be made and premium paid within 30 days after the individual becomes ineligible for further coverage under the plan. An additional 15 days is allowed if termination of insurance is due to termination of employment.

A newly employed judge may enroll up until the Monday following the pay period in which they are hired. A judge wishing to enroll after this time must submit evidence of insurability including good health.

The State and the judge share in the cost of the Voluntary Life Insurance program. A deduction is made from the judge's salary for the judge's portion of the cost.

B. SUPPLEMENTAL VOLUNTARY INSURANCE

A judge may also apply for **Supplemental Voluntary Life Insurance** at the time application is made for the basic plan. Judges may apply for supplemental life insurance coverage in increments of $10,000 up to a maximum of $150,000. Upon reaching age 65, the amount of coverage in excess of $100,000 will automatically reduce to $100,000. Basic coverage is a prerequisite for the Supplemental Life Plan and the total cost is the responsibility of the judge and is based on the plan choice and age of the judge.

C. DEPENDENTS' LIFE INSURANCE

Dependent Term Life Insurance coverage pays a benefit to the employee upon the death of an eligible dependent. Dependents may be covered for term policies ranging from $5,000 to $15,000 for spouse and/or children. A judge's dependents may be covered under the Dependent Life Insurance program for term policies in the amounts of $5,000, $10,000, or $15,000 for a spouse, dependent child (ren) or both. Basic and supplemental policies are prerequisites for this coverage. The bi-weekly cost is based on the level of coverage and the judge is responsible for the entire cost of this plan.

For more information regarding life insurance coverage, please contact:

Division of State Court Administration
115 W. Washington Street, Suite 1080
Indianapolis, IN 46204
317/232-2542

II. HEALTH INSURANCE

D. ANTHEM PPO PLANS (Traditional I, II and High Deductible Health Plans)

Basic medical and major medical health insurance is available through a group policy with Anthem Blue Cross/Blue Shield:

The Anthem Traditional Plan I has a deductible in the amount of $500 for single and $1,000 for family coverage. The judge pays a co-insurance equal to 20% of in-network services and 40% for non-network services once the deductible has been satisfied.

The Anthem Traditional Plan II is similar to an HMO in that there is no deductible for judges to satisfy. The judge pays a co-payment for services rendered and the type of service received determines the amount of the co-payment. Coverage is available for services rendered by a non-network provider, which requires the judge to pay a 40% co-payment.

The High Deductible Health Plan has a $2,500 deductible for single coverage and a $5,000 deductible for family coverage. Once the deductible has been met, the plan pays 20% of in-network services and 40% of non-network services. A Health Savings Account (HSA) is available to those who participate in the HDHP to help offset expenses that may occur prior to reaching the deductible and is administered by Tower Bank in Fort Wayne.

Hospital admissions under these plans are subject to a pre-admission certification program. The judge and the State share in the cost of this medical plan.

E. HEALTH MAINTENANCE ORGANIZATION (HMO)

Judges may enroll in a health maintenance organization (HMO) medical plan through M-Plan. The Judge's county of residence determines eligibility for enrollment in the plans offered. A primary care physician, who will be responsible for referrals to specialists, must be selected for each family member.

Under M-Plan II, no deductible needs to be met. A co-payment or co-insurance, which will vary based on the services rendered, is paid at the time services are received.

Under M-Plan III, there is a deductible in the amount of $500 for single and $1,000 for family that must be met before the plan will pay anything towards expenses. Once the deductible has been met, the judge pays either a co-payment or co-insurance, which will be determined by the service received.

M-Plan does not provide non-network benefits. The judge and the State share in the cost of each of the programs.

F. DENTAL INSURANCE (Traditional I, II and DHMO Plans)

All judges may be covered with dental insurance through Delta Dental Traditional Plan I, Delta Dental Traditional Plan II or DeltaCare (DHMO) whether or not they elect medical coverage at all.

The Delta Dental Traditional I and II plans require you to pay a $50.00 deductible per person per calendar year limited to $150.00 per family for most services. Once the deductible has been met, the plan will pay either 50% or 80% of eligible expenses depending on the type of service rendered.

Under the Delta Dental Traditional I plan you have the flexibility to go to any licensed dentist anywhere but you will save money if you choose a DeltaPreferred Option (DPO) dentist. However, under the **Delta Dental Traditional II** plan you must choose a DeltaPreferred Option dentist. You are only covered for a limited number of services if you go to a non-DPO dentist.

The DeltaCare plan does not require you to pay a deductible, however, there is a $5.00 co-payment for each office visit. Under the DeltaCare plan you must choose a single DeltaCare dentist for the entire family from the DeltaCare dentist directory.

The State of Indiana provides these dental plans at no cost to the judge and eligible dependents. However, the judge must enroll to be eligible.

G. VISION INSURANCE

In addition to limited optical coverage that may be offered through a medical plan, there is coverage available through **EyeMed Vision Care** for vision services and materials such as eyeglass frames and lenses. Judges must enroll to be eligible. While employee premiums are paid for by the State, family premiums are the responsibility of the judge.

H. MEDICAL AND DEPENDENT FLEXIBLE SPENDING ACCOUNTS

Flexible Spending Accounts are available for qualified medical and dependent care expenses and allows you to set aside money on a pre-tax basis to pay for expenses you would normally pay for out of pocket with after tax dollars. There is an administrative fee of $2.40 bi-weekly whether you participate in one or both accounts. The plan year maximum that can be placed in the Medical Spending Account is $5,000. The plan year maximum that can be placed in the Dependent Care Spending Account is $2,500 for an employee filing a single tax return, or for a married employee who files separately on taxes. For a married couple filing a joint tax return, the plan year maximum is $5,000. The annual contributions are deducted in equal amounts from paychecks received during the plan year. Judges must elect to participate in this plan for each year.

I. EMPLOYEE ASSISTANCE SERVICES for YOU (EASY) PROGRAM

As a State of Indiana employee, you and your family are entitled to this benefit at no cost. The EASY Program is designed to assist with every day concerns, such as: difficult workplace situations, family problems, child and elder care issues, legal concerns, financial issues, and housing concerns. The EASY Program can also help you or a family member receive treatment for mental health and substance abuse problems. You can reach an EASY counselor at 1/800-223-7723 twenty-four (24) hours a day.

J. INDIANA JUDGES AND LAWYERS ASSISTANCE PROGRAM

The Indiana Judges and Lawyers Assistance Program was created by Rule 31 of the Indiana Rules for Admission to the Bar and the Discipline of Attorneys, Indiana Rules of Court. The Committee will provide assistance to judges who suffer from physical or mental disabilities that result from disease, chemical dependency, mental health problems or age that impair their ability to practice.

For more information regarding the assistance program, please contact:

Indiana Judges and Lawyers Assistance Program
320 North Meridian Street, Suite 516
Indianapolis, IN 46204
317/833-0370
866/428-JLAP

Terry Harrell, Executive Director
tharrell@courts.state.in.us

K. TAXSAVER

TAXSAVER provides a tax reduction for judges who have a payroll deduction for medical coverage. The premium for the health insurance is treated as a pre-tax benefit, thus reducing your tax liability. Contributions are not reportable income. Participation in the TAXSAVER Program will not affect salary-related benefits, such as life insurance and retirement benefits. TAXSAVER follows the guidelines provided in Section 125 of the Federal Internal Revenue Service Codes.

III. FURTHER INFORMATION

More extensive descriptions of the insurance policies available to judges may be obtained from the Division of State Court Administration, 115 West Washington Street, Suite 1080, Indianapolis, Indiana 46204, (317) 232-2542. This summary of benefits is intended as an outline and does not amend, extend, or alter any coverage under any contract for insurance.

IV. OPEN ENROLLMENT

The open enrollment period is a time when individuals may make changes to their existing benefit coverage or add/delete coverage or dependents according to the guidelines. Enrollment information is sent out each year in late October or early November with a deadline of early December for selections to be made for the upcoming plan year.

V. DEPENDENT COVERAGE

Please note that dependents over the age of 19 must be certified during each Open Enrollment period. Notification is sent to Judges prior to Open Enrollment with instructions and guidelines, set by the State Personnel Department, on what the judge must do to ensure that their dependent does not lose coverage.

VI. EARLY RETIREE INSURANCE PROGRAM

As a judge resigning or retiring from state services, there are certain benefit options available. Qualified retiring judges may choose to participate in the Early Retiree Insurance Program provided they meet certain criteria. Under the Consolidated Omnibus Budget Reconciliation Act (COBRA), federal law allows resigning/retiring employees and their qualified dependents to continue coverage for a specific period of time paying 102% of the required premium. However, retired judges who meet the eligibility requirements for the Early Retiree Insurance Program may continue the same coverage enrolled in at the time of retirement, until Medicare eligibility, by paying 100% of the premiums for this coverage. It is important to note that if you choose not to continue one or more of the plans in place at the time of retirement, the coverage will not be available to you again, not even during open enrollment periods. As a note, life insurance is not a part of the Early Retiree Insurance Program.

Approximately 2–3 weeks after receiving the final paycheck from the state, The Benefits Division of State Personnel will send, via certified mail, an application to all eligible retirees. Retirees must apply for the health coverage within 90 days after the date of his/her retirement.

For more information on the Early Retiree Insurance Program, you may contact:

State Personnel Department - Benefits Division
Joyce Thrasher
317/234-3561

VII. MEDICARE COMPLEMENTARY PROGRAM

The State of Indiana Medicare Complementary program is made available to retired Judges of the state who meet certain criteria. Retired judges who are at least 65 years of age, receive pension funds from the Public Retirement Fund, are enrolled in both Medicare Parts A and B and are not covered by another similar insurance program may be eligible to participate. Disabled judges may, also, be eligible for this program if they are receiving pension benefits and are enrolled in Medicare Parts A and B as a result of the disability. Spouses of retired judges who are enrolled in Medicare Parts A and B may also be eligible for coverage.

Retired judges may apply for health coverage within 30 days of the date they retire, or within 30 days from the date they become eligible for Medicare. Written application must be made to Anthem within 30 days of the event that makes you eligible.

For more information on the Medicare Complementary Program, you may contact:

Anthem Blue Cross/Blue Shield
220 Virginia Avenue
Indianapolis, IN 46204-3632
877/814-9709

VIII. RETIRED INDIANA PUBLIC EMPLOYEES ASSOCIATION, INC.

The Retired Indiana Public Employees Association (RIPEA) is a not-for-profit corporation created by the 1972 Indiana Legislature to represent the interest of retirees. Membership is available to all retirees and active members of PERF. RIPEA publishes quarterly newsletters that are distributed to members; sponsors a supplemental group health insurance plan for retirees and/or spouses over 65; sponsors a group life insurance plan for all retirees and spouses, who enroll in the plan prior to age 80, that does not require a medical examination; and sponsors a discount prescription drug card in addition to other services.
For more information on RIPEA, you may contact their office at:

Retired Indiana Public Employees Association, Inc.
3530 South Keystone Ave., Ste. 305
Indianapolis, IN 46227
317/789-0244
800/345-9214

IX. DEFERRED COMPENSATION

One of the important benefits made available by the State of Indiana is a 457(b) Deferred Compensation Plan. As an employee, you are immediately eligible to participate in this retirement program that offers you the following advantages:

- Your contributions are made by **convenient** payroll deduction.
- Your contributions to the plan are made with **pre**-tax dollars which means that your current taxable income is **reduced.**
- Earnings on your contributions accumulate **tax-deferred.**
- **The State will make a matching contribution on your behalf to a 401(a) deferred compensation matching plan ($15 per pay period, $390 annually).**
- It provides a meaningful supplement to your benefits under the State's pension plan.

When you request a distribution, the money will be taxed as ordinary income in the year the money is received. Account values fluctuate with market conditions and when surrendered, the principal may be worth more or less than the original amount invested.

Both the 457(b) Deferred Compensation Plan and the 401(a) Plan are administered by Great West Retirement Services. Great West Retirement Services offers comprehensive participant services, a local office with dedicated representatives and easy access through a toll-free telephone line ((877) 728-6738, Option 2) and a customized Internet site (www.hoosierstart.com). Our local office is located in downtown Indianapolis at 101 W. Ohio Street, Ste. 760, Indianapolis, IN 46204.

Enrolling in the 457(b) Deferred Compensation Plan is easy. Simply contact our local office toll-free at (877) 728-6738, Option 2. We can assist you by providing an enrollment kit, explaining how the programs work, the investment options and services, and facilitating your enrollment in the program. We also conduct group enrollment meetings throughout the State. Watch for meeting announcements at your location.

Prospectuses are available for some of the funds that contain additional information on charges and expenses associated with these funds. To obtain prospectuses contact your local representative. Please read this information carefully before you invest.

We encourage you to learn more about the benefits of participating in the State of Indiana 457 Deferred Compensation Plan!

Third party administrator Services offered by Great West Retirement Services

Enroll in the Program

The 457 Plan is available to employees who work for the State of Indiana and employees of local governments (cities, towns) that adopt the plan.

- Eligible employees may enroll in the 457 Deferred Compensation Plan at any time. You may obtain an Enrollment Form from the website at www.hoosierstart.com or by calling a Great West Retirement Services Representative at toll-free 877-728-6738, and press "2". The completed form should be sent to the address listed on the form.

Personal Identification Number (PIN)

- A PIN is required to access your account information via the Automated Voice Response unit or your online account (you can view general website information without a PIN). New enrollees receive a default PIN with their account confirmation statement. Upon receiving your default PIN, you are encouraged to change your PIN immediately. New and existing participants may change or replace their PIN by calling 877-728-6738 and press "1" or you may access the website at www.hoosierstart.com and click on "Order PIN".

Getting Personal Account Information (account balances, share price, etc)

- Call a Customer Service Associate at 877-728-6738, and enter Option "2"
- Click on the Account Access icon on www.hoosierstart.com. To access this service you must register your account as described above.
- Automated Voice Response unit – call 877-728-6738, and enter Option "1". You need a PIN to use this service.

Contributions

Contributions under the 457 plan are made by participants through a reduction in salary, in accordance with the Internal Revenue Service maximum annual contribution limits. To find out more about these contribution limits and/or catch-up provisions, please call 877-728-6738, Option "2".

Changing Your Contribution Amount

- Call 877-728-6738, and enter Option "0" to change contributions through a Specialist.
- Call 877-728-6738, and enter Option "2" to make changes using the automated system.
- Visit the website at www.hoosierstart.com

You will need your Social Security number **and** PIN to use the automated system and the website. Confirmation of changes will be mailed to you.

To Obtain Fund Interest Rates, Daily Unit/Share Values and Investment Option Codes

- Call 877-728-6738, and enter Option "1" or visit the website at www.hoosierstart.com
- Visit the website at www.hoosierstart.com and click on the Great West Retirement Services Icon

There are two types of changes that you can make with respect to the manner in which your account is invested: 1) a change in the way future contributions are invested, and, 2) a change in the way your current account balance is invested. An allocation change is the way you direct the investment allocation of your future contributions. An inter-fund exchange (transfer) is the way you change the manner in which the current assets in your account are invested. If you participate in both 457 and 401(a) Plans, a separate election must be made for each Plan.

There are three ways you can make an allocation change or transfer assets among fund options.

- Call our toll-free telephone number, (877) 728-6738, select Option "0", and speak to a customer service representative.
- Utilize our Voice Response Unit by calling 877-728-6738, and enter Option "1".
- Access the State of Indiana custom website at www.hoosierstart.com

Administrative Changes

- Name or Address - call 877-728-6738, and enter Option "2" or access the website at www.hoosierstart.com to obtain a form. The completed form needs to be sent to the address on the form.
- Beneficiary Designation - call 877-728-6738, and enter Option "2". A beneficiary designation/change form will be mailed to you to complete and sign. You can also print a beneficiary designation/change form from the website at www.hoosierstart.com.
- Separate beneficiaries may be designated for the 457 and 401(a) plans, if applicable.

Payout Options

- Choosing a payout option, or a general description of the payout options - call 877-728-6738, and enter Option "2".

Note: The IRS requires that distributions begin no later than the April 1 of the calendar following the calendar year in which you attain age 70 ½ or separate from service, whichever occurs later. If you fail to receive the minimum required distribution for any tax year, a 50% excise tax is imposed on the required amount that was not timely distributed. These rules are referred to as IRS minimum required distribution requirements (MRD).

Applying for an Unforeseeable Emergency Withdrawal

- Call 877-728-6738, and enter Option "0" to request an application.

Questions about using the Telephone or Online Services

- Call 877-728-6738, and enter Option "0"

X. JUDGES' RETIREMENT SYSTEM

INTRODUCTION

Indiana Judges are participants in the Judges Retirement System. The system is administered by the Board of Trustees (hereinafter "board") of the Public Employees' Retirement Fund (PERF). Judges entitled to participate are those who have served, or are serving, as the regular judge of the Supreme Court, Court of Appeals, Circuit Courts, Superior Courts, Probate Courts, County Courts, or Indiana Tax Court. Statute does not provide for the participation of magistrates or other judicial officials at this time, although service as a PERF covered full-time referee, full-time magistrate, or full-time commissioner, or service in an other PERF-covered position may be included in judicial retirement computations where such an employee later becomes a judge. See IC 33-13 -9.1-10 and 10.5 and; IC 33-13-10.1-14 and 14.5, and pages 22-23, infra.

The benefits are funded through the Indiana Judges' Retirement Fund, comprised of participants' contributions; gifts, devises, grants, or bequests made to the fund; interest on investments or deposits of the fund; and any other contribution or payment made to the fund as provided by the Indiana General Assembly including any appropriations from the State's general fund.

Within the Judges Retirement System are two existing benefit systems: the 1977 benefit system (I.C. 33-13-9.1 et seq.) and the 1985 benefit system (I.C. 33-13-10.1 et seq.) Each benefit system is described in greater detail below. Provisions applicable only to the 1977 benefit system are described in Section I. Provisions applicable only to the 1985 system are described in Section II. Provisions which are applicable to both systems are covered by Section III.

I. THE 1977 BENEFIT SYSTEM

A. APPLICATION OF THE 1977 BENEFIT SYSTEM

The statutes defining the 1977 benefit system are found at I.C. 33-13-9.1-1 through 33-13-9.9-10. This benefit system applies only to individuals who began service as a judge prior to September 1, 1985.

B. RETIREMENT BENEFITS UNDER THE 1977 SYSTEM

A participant who retires after June 30, 1977, with eight years of service and who has attained age of 62 years or who after June 30, 1999 elects retirement, is at least 55 years old, and the person's age in years plus the years of service is at least 85 (the "rule of 85") is entitled to an annual retirement annuity. *To be eligible for retirement benefits the retired Judge must not be receiving any salary from the state for services currently performed, except for services rendered in the capacity of judge pro tempore or senior judge*.

The annuity is equal to the product of the minimum salary, as defined by statute, being paid for the office held by the participant on the date of separation from service, including amendments to increase the salary for that office, multiplied by the percentage set forth in the following table:

YEARS OF SERVICE	PERCENTAGE
8	24%
9	27%
10	30%
11	33%
12	50%
13	51%
14	52%
15	53%
16	54%
17	55%
18	56%
19	57%
20	58%
21	59%
22 or more	60%

Partial years of service before the eighth year are prorated by month. If the participant is not age 65 at the date of retirement and does not meet the "Rule of 85," the annuity is reduced by 0.1% for each month the participant's retirement date precedes the participant's 65th birthday. *The minimum age for early retirement under the rule of 85 is age 55*.This reduction does not apply to a participant who separated from service due to a permanent disability.

C. SURVIVOR'S BENEFIT UNDER THE 1977 BENEFIT SYSTEM

Under the Judges 1977 Benefit System, the participant may designate either a spouse or surviving child or children to receive a survivor's benefit. Pursuant to IC 33-13-9.1-4 et seq., the specific benefit provisions are as follow:

1. The surviving spouse or surviving child or children, as designated by the participant, of any participant who has qualified before July 1, 1977, to receive the retirement annuity under the 1977 system, either by length of service or by being permanently disabled, shall, upon the death of such participant, be entitled to an annuity in an amount equal to the greater of:
   (a) the sum of:

      (1) $2,000 plus 50% of the amount of retirement annuity the participant was drawing at the time of

the participant's death, or to which the participant would have been entitled had the participant retired and begun receiving retirement annuity benefits prior to the participant's death; or

(b) the amount determined under the following table:

Year	Amount
July 1, 1995, to June 30, 1996	$10,000
July 1, 1996, to June 30, 1997	$11,000
July 1, 1997, and thereafter	$12,000

2. If a participant who qualifies after June 30, 1977, and before July 1, 1983, to receive a retirement annuity the 1977 system, either by length of service or by being permanently disabled, dies, the participant's surviving spouse or surviving child or children, as designated by the participant, is entitled to an annuity in an amount equal to the greater of:

    (a) 50% of the amount of retirement annuity the participant was drawing at the time of death, or to which the participant would have been entitled had the participant retired and begun receiving retirement annuity benefits before death; or

    (b) the amount determined under the following table:

Year	Amount
July 1, 1995, to June 30, 1996	$10,000
July 1, 1996, to June 30, 1997	$11,000
July 1, 1997, and thereafter	$12,000

3. If a participant:

    (a) dies after June 30, 1983; and

    (b) on the date of the participant's death:

        (1) was receiving benefits under this chapter;

        (2) had completed at least 8 years of service and was in service as a judge;

        (3) was permanently disabled; or

        (4) had completed at least 8 years of service, was not still in service as a judge, and was entitled to a future benefit;

        the participant's surviving spouse or surviving child or children, as designated by the participant, is entitled, regardless of the participant's age, to an annuity in an amount equal to the greater of the amount:

(c) the amount determined under the following table:

Year	Amount
July 1, 1995, to June 30, 1996	$10,000
July 1, 1996, to June 30, 1997	$11,000
July 1, 1997, and thereafter	$12,000

(d) or, 50% of the amount of retirement annuity the participant was drawing at the time of death, or to which the participant would have been entitled had the participant retired and begun receiving retirement annuity benefits on the participant's date of death, with reductions if:

(1) a participant who elects to accept retirement after June 30, 1977, has not attained age 65 – then the participant is entitled to receive a reduced annual retirement benefit which equals the benefit which would be payable if the participant were 65 reduced by 0.1% for each month that the participant's age at retirement precedes the participant's sixty-fifth birthday. This reduction does not apply to:

(1) participants who are separated from service because of permanent disability;
(2) survivors of participants who die while in service after August 1, 1992; or
(3) survivors of participants who die while not in service but while entitled to a future benefit; or
(4) survivors of participants who qualify under the Rule of 85.

4. Notwithstanding the other provisions, if a participant:
(a) died after June 30, 1983, and before July 1, 1985; and
(b) was serving as a judge at the time of death;

the surviving spouse is entitled to the same retirement annuity as the surviving spouse of a permanently disabled participant entitled to benefits.

5. The annuity payable to a surviving child or children is subject to the following:
(a) The total monthly benefit payable to a surviving child or children is equal to the same monthly annuity that was to have been payable to the surviving spouse.

(b) If there is more than one child designated by the participant, then the children are entitled to share the annuity in equal monthly amounts.
(c) Each child entitled to an annuity shall receive that child's share until the child becomes 18 years of age or during the entire period of the child's physical or mental disability, whichever period is longer.
(d) Upon the cessation of payments to one designated child, if there is at least one other child then surviving and still entitled to payments, the remaining child or children shall share equally the annuity. If the surviving spouse of the participant is surviving upon the cessation of payments to all designated children, the surviving spouse will then receive the annuity for the remainder of the spouse's life.
(e) The annuity shall be payable to the participant's surviving spouse if any of the following occur:

(1) No child named as a beneficiary by a participant survives the participant.
(2) No children designated by the participant are entitled to an annuity due to their age at the time of death of the participant.
(3) A designation is not made.

(f) An annuity payable to a surviving child or children may be paid to a trust or a custodian account under IC 30-2-8.5, established for the surviving child or children as designated by the participant.

D. WITHDRAWAL FROM THE 1977 BENEFIT SYSTEM

A participant in the 1977 benefit system who terminates services as a judge, regardless of cause, with fewer than 12 years of service may withdraw from the fund. The date of withdrawal is the date specified in a written application to the board; however, this date may not be prior to either the date of final termination or the date 30 days prior to receipt of the application for withdrawal by the board. Upon withdrawal, the participant receives the participant’s total contributions to the fund either in a lump sum within 60 days after the date of the withdrawal application or in such monthly installments as elected by the participant.

II. THE 1985 BENEFIT SYSTEM

A. APPLICATION OF THE 1985 BENEFIT SYSTEM

This benefit system only applies to judges who began service after August 31, 1985.

B. ELECTION NOT TO PARTICIPATE

Any judge who begins service as a judge after August 31, 1985, and is not then a participant in the Judges Retirement Fund, must become a participant in the 1985 benefit system. Participation is mandatory for all eligible judges.

C. RETIREMENT BENEFITS UNDER THE 1985 BENEFIT SYSTEM

A participant, after completion of 8 years of service as a judge and your reaching age 65, or is at least 55 years old and the person's age plus years of service is at least 85 (the "Rule of 85").*To be eligible for retirement benefits the retired judge must not be receiving any salary from the state for services currently performed , except for services rendered in the capacity of a judge pro-tempore or senior judge. An eligible retired judge is entitled to an annual* retirement annuity in an amount equal to the product of the minimum salary (as defined by applicable statute) the participant was receiving at the time of separation from service multiplied by the percentage set forth in the following table (please note that, unlike the 1977 System, the salary amount will not be affected by any legislative amendments elevating the salary after the date of separation):

YEARS OF SERVICE	PERCENTAGE
8	24%
9	27%
10	30%
11	33%
12	50%
13	51%
14	52%
15	53%
16	54%
17	55%
18	56%
19	57%
20	58%
21	59%
22 or more	60%

If the participant is not age 65 and does not satisfy the "Rule of 85" on the date of retirement, the annual annuity is reduced by 0.1% for each month the participant's retirement date precedes the participant's 65th birthday. *The minimum age for electing the rule of 85 is age 55*. This reduction does not apply to a participant who separated from service due to a permanent disability

D. SURVIVOR'S BENEFIT UNDER THE 1985 BENEFIT SYSTEM

Under the Judges 1985 Benefit System, the participant may designate either a spouse or surviving child or children to receive a survivor's benefit. Pursuant to IC 33-13-10.1 et seq., the specific benefit provisions are as follow:

1. The surviving spouse or child or children of a participant, as designated by the participant, of a participant who:

(a) dies; and

(b) on the date of death:

(1) was receiving benefits under this chapter;

(2) had completed at least 8 years of service and was in service as a judge;

(3) was permanently disabled; or

(4) had completed at least 8 years of service, was not still in service as a judge, and was entitled to a future benefit; is entitled, regardless of the participant's age, to a benefit equal to the greater of:

(a) 50% of the amount of retirement benefit the participant was drawing at the time of death, or to which the participant would have been entitled had the participant retired and begun receiving retirement benefits on the date of death, with reductions as necessary. Reductions are necessary if a participant who applies for a retirement benefit has not attained age 65, the participant is entitled to receive a reduced annual retirement benefit that equals the benefit that would be payable if the participant were 65 reduced by 0.1% for each month that the participant's age at retirement precedes the participant's 65th birthday. This reduction does not apply to:

(1) participants who are separated from service because of permanent disability;

(2) survivors of participants who die while in service after August 1, 1992; or

(3) survivors of participants who die while not in service but while entitled to a future benefit.

(b) or, the amount determined under the following table:

Year	Amount
July 1, 1995, to June 30, 1996	$10,000
July 1, 1996, to June 30, 1997	$11,000
July 1, 1997, and thereafter	$12,000

The benefit payable to a surviving spouse or surviving child or children under the previous paragraph is subject to the following:

(a) A surviving spouse is entitled to receive the benefit for life.

(b) The total monthly benefit payable to a surviving child or children is equal to the same monthly benefit that was to have been payable to the surviving spouse.

(c) If there is more than one child designated by the participant, then the children are entitled to share the benefit in equal monthly amounts.

(d) Each child entitled to a benefit shall receive that child's share until the child becomes 18 years of age or during the entire period of the child's physical or mental disability, whichever period is longer.

(e) Upon the cessation of benefits to one designated child, if there are one or more other children then surviving and still entitled to benefits, the remaining children shall share equally the benefit. If the surviving spouse of the participant is surviving upon the cessation of benefits to all designated children, the surviving spouse shall then receive the benefit for the remainder of the spouse's life.

(f) The benefit shall be payable to the participant's surviving spouse if any of the following occur:

(1) No child named as a beneficiary by a participant survives the participant.

(2) No children designated by the participant are entitled to a benefit due to their age at the time of death of the participant.

(3) A designation is not made.

(g) A benefit payable to a surviving child or children may be paid to a trust or a custodian account under IC 30-2-8.5, established for the surviving child or children as designated by the participant.

(h) If a participant's spouse does not survive the participant, and there is no child designated and entitled to receive a benefit, any surviving dependent child of a participant is, upon the death of the participant, entitled to a benefit equal to the benefit the participant's spouse would have received.

(i) If a surviving spouse of a decedent participant dies and a dependent child of the surviving spouse and the decedent participant survives them, that dependent child is entitled to receive a benefit equal to the benefit the spouse was receiving or would have received.
(j) If under either of the 2 previous paragraphs there is more than one dependent child, then the dependent children are entitled to share the benefit equally.
(k) If a dependent child receives benefits, each dependent child is entitled to receive that child's share until the child reaches the age of 18 years or during the entire period of the child's physical or mental disability, whichever period is longer.
(l) If no benefits are payable to the survivors of a participant who dies and if a withdrawal application is filed with the board, the total of the participant's contributions plus interest (as determined by the board) minus any payments made to the participant shall be paid to:

(1) the surviving spouse of the participant or a child or children of the participant, as designated by the participant;
(2) any other dependent or dependents of the participant, if a spouse or designated child does not survive; or
(3) the participant's estate, if a spouse, designated child, or other dependent does not survive.

(m) The amount owed a spouse, designated child, or other dependent or dependents, or estate under the previous paragraph is payable within 60 days from the date of receipt of the withdrawal application or in such monthly installments as the recipient elects.
(n) Notwithstanding any other provision of the 1985 System, benefits paid pursuant to it may not exceed the maximum annual benefit specified by Section 415 of the Internal Revenue Code

E. WITHDRAWAL FROM THE 1985 BENEFIT SYSTEM

If a participant ceases services as a judge, other than through death or disability, and:

a.) is not eligible for a retirement benefit under the 1985 system; or,
b.) has not completed 8 years of service;

the participant may withdraw from the fund. The effective date of withdrawal is the date designated by the participant in a written withdrawal application submitted to the board. The date withdrawal begins may not predate the date of final termination or 30 days after the board receives written application for withdrawal. Upon withdrawal, the participant is entitled to receive the participant's total contributions either in a lump sum within 60 days after the receipt of the withdrawal application by the board or in such monthly installments as the participant may elect.

If the participant dies and no survivor's benefit is payable under the 1985 benefit system, and if a withdrawal application is filed with the board, then the total contributions made by the participant plus interest, as determined by the board, less any payments made to the participant, are paid to the:

a.) the surviving spouse or child as designated by the participant;

b.) any other dependent or dependents of the participant if there is no spouse or designated child surviving; or

c.) the participant's estate if a spouse, designated child or other dependent does not survive.

III. PROVISIONS APPLICABLE TO THE 1977 AND 1985 SYSTEMS

A. REQUIRED CONTRIBUTIONS

Contributions are 6% of the judge's minimum salary (as defined by applicable statute). The contributions are deducted pre tax from the judge's salary by the state and paid directly to the retirement fund. The required contributions cease after 22 years of service are completed and during any period the participant is not serving as a judge.

B. COMMENCEMENT OF RETIREMENT BENEFITS

A participant in either the 1977 or 1985 benefit systems is eligible for a retirement annuity beginning on the date specified in a written application to the board. The commencement date may not predate either the date of termination of service as a Judge or the date 30 days prior to the receipt of application by the board. To qualify for a benefit, the participant must either be: (1) at least 65 years of age and have completed at least 8 years of service, (2) satisfy the "rule of 85," (3) be at least 62, not satisfy the "rule of 85" and qualify for a reduced benefit, or (4) must be permanently disabled. In addition, the participant may not be receiving any salary for services currently performed except for services rendered in the capacity of a judge pro tem or a senior judge.

Application forms are available from the plan administrator, The Public Employees' Retirement Fund.

C. SURVIVOR BENEFITS – DURATION AND ELIGIBILITY

A surviving spouse receives the survivor benefit for life. Designated children, if more than one was designated, share equally in the benefit during minority or for the duration of any physical or mental disability, whichever is longer. As benefits cease to one surviving child, the remaining children share the survivor benefit equally. Upon cessation of benefits to all designated surviving children, the survivor benefit is payable to the surviving spouse for the remainder of the surviving spouse's life.

If the surviving spouse dies with dependent children of the surviving spouse and the participant surviving, then the surviving children receive the survivor benefit until age 18 or for the entire duration of any physical or mental disability, whichever is longer.

The survivor's annuity is payable to the surviving spouse if the participant does not make a designation of beneficiary, or if the children designated either do not survive the participant or are not entitled to receive an annuity due to their age at the death of the participant.

If the participant's spouse does not survive the participant and there are no children designated to receive the annuity, then any surviving dependent child is entitled to receive the survivor's annuity upon the participant's death.

D. CREDIT FOR PRIOR SERVICE AS FULL-TIME COMMISSIONER, REFEREE, OR MAGISTRATE

If a person becomes a participant in either the judges' 1977 or 1985 benefit systems, credit for prior service by the judge as a full-time referee, full-time commissioner, or full-time magistrate shall be granted if:

(1) the prior service was credited under the public employees' retirement fund;
(2) the state contributes to the judges' 1977 or 1985 benefit system the amount the board determines necessary to amortize the prior service liability over a period determined by the board, but not more than 10 years; and
(3) the judge pays in a lump sum or in a series of payments determined by PERF, not exceeding 5 annual payments, the amount the judge would have contributed if the judge had been a member of the judges' 1977 or 1985 benefit systems during the prior service.

If the above requirements are not satisfied, a participant is entitled to credit only for years of service after the date of participation in the 1977 or 1985 benefit system. The following provisions apply to eligible participants:

(1) A minimum benefit applies to participants receiving credit in either the judges' 1977 or 1985 benefit system from service covered by the public employees' retirement fund. For those participants receiving credit under the 1977 benefit system, the minimum benefit is payable at 65 years of age. For those participants receiving credit under the 1985 benefit system, the minimum benefit is payable at 65 years of age or when the participant is at least 55 and the participant’s age in years plus the participant’s years of service is at least 85 (the “rule of 85”). The minimum benefit equals the actuarial equivalent of the vested retirement benefits that is:

(a) payable to the member at normal retirement as of the day before the transfer; and
(b) based solely on:

(i) creditable service;
(ii) the average of the annual compensation; and
(iii) the amount credited to the annuity savings account of the transferring member as of the day before the transfer.

(2) If the requirements are otherwise satisfied, PERF shall transfer from the public employees' retirement fund to the judges' 1977 benefit system the amount credited to the annuity savings account and the present value of the retirement benefit payable at 65 years of age that is attributable to the transferring participant. For those participants whose requirements are otherwise satisfied and who participate in the 1985 benefit system, PERF shall transfer from the employees’ retirement fund to the judges’ 1985 benefit system the amount credited to the annuity savings account and the present value of the retirement benefit payable at 65 years of age or at least 55 and the participant’s age in years plus the participant’s years of service is at least 85 that is attributable to the transferring participant.
(3) The amount the state and the participant must contribute to either the judges' 1977 or 1985 benefit system shall be reduced by the amount transferred to either the judges' 1977 or 1985 benefit system by PERF.
(4) Credit for prior service in the public employees' retirement fund for service other than as a full-time referee, full-time commissioner, or full-time magistrate remains under the public

employees' retirement fund and may not be credited under the judges' 1977 benefit system.
(5) If all other requirements are satisfied, credit for prior service in the public employees' retirement fund as a full-time referee, full-time commissioner, or full-time magistrate is waived. Any credit for the prior service under either the judges' 1977 or 1985 benefit system may be granted as outlined herein.
See I.C. 33-13-9.1-10 and I.C. 33-13-10.1-14

E. CREDIT FOR PRIOR SERVICE AS A MEMBER OF PERF

Under the 1985 or 1977 systems, a person may be credited for prior service in a PERF-covered position if the person:

(1) is a judge participating in the 1977 or 1985 systems;
(2) before becoming a judge was a member of an Indiana public employees' retirement fund;
(3) received credited service under an Indiana public employees' retirement fund for the PERF-covered employment, and the credited service is not eligible for prior service credit as a full-time magistrate, referee, or commissioner;
(4) has not attained vested status under an Indiana public employees' retirement fund for the employment described in subdivision (2); and
(5) has at least eight (8) years of service credit in the judges' retirement system.

(b) If a person becomes a participant in the judges' 1985 or 1977 benefit systems, credit for service described in subsection (a) shall be granted under this chapter by the board if:

(1) the prior service was credited under an Indiana public employees' retirement fund; and
(2) the judge pays in a lump sum or in a series of payments determined by the board, not exceeding five (5) annual payments, the amount determined by the actuary for the 1985 or 1977 benefit systems as the total cost of the service.

(c) If the requirements for credit for prior service are not satisfied, a participant is entitled to credit only for years of service after the date of participation in the 1985 benefit system.

(d) An amortization schedule for contributions paid under this section must include interest at a rate determined by the board.
(e) If the requirements for credit for prior service are satisfied, the appropriate board shall transfer from the PERF fund to the judges' 1985 or 1977 benefit system the amount credited to the judge's annuity savings account and the

present value of the retirement benefit payable at sixty-five (65) years of age that is attributable to the transferring participant.

(f) The amount a participant must contribute to the judges' 1985 or 1977 benefit systems shall be reduced by the amount transferred to the judges' 1985 or 1977 benefit system by the board.

(g) Should the person be credited for prior PERF service in the 1985 or 1977 systems, credit for prior service in PERF is waived.

See IC 33-13-9.1-10.5 and 33-13-10.1-14.5.

DISABILITY

Disability is defined by statute as follows: the participant is totally incapacitated, by reason of physical or mental infirmities, from earning a livelihood: and the condition is likely permanent. Disability is certified by at least two licensed and practicing physicians appointed by the PERF Board of Trustees. The disability is verified annually. The disability benefit is the product of the following:

a.) the salary being paid at the time of separation from service multiplied by;
b.) the percentage prescribed in the following table:

YEARS OF SERVICE	PERCENTAGE
0-12	50%
13	51%
14	52%
15	53%
16	54%
17	55%
18	56%
19	57%
20	58%
21	59%
22 or more	60%

This information is provided as a summary for the fund members and does not constitute a representation of the Indiana statutes governing the Judges Retirement Plans. Please refer to the statutes for specific details or contact the plan administrator below.

For more information regarding Judges' Retirement or Disability, please contact:

Tom Parker
Judges' Retirement System
Harrison Building, Suite 200
143 W. Market Street
Indianapolis, IN 46204
317/233-4146
888/526-1687 (toll-free)